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7	Facsimile: (916) 327-8643		
8	Attorneys for Complainant		
9	BEFORE THE		
10	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11			
12	In the Matter of the Accusation Against:	Case No. 2008-372	
13	JOHNNY LADON WALLIS 230 Darrow Road	ACCUSATION	
14	Akron, Ohio 44305	ACCUSATION.	
15	Registered Nurse License No. 628174		
16	Respondent.		
17			
18	Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:		
19	<u>PARTIES</u>		
20	1. Complainant brings this Accusation solely in her official capacity as the		
21	Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer		
22	Affairs.		
23	Registered Nurse License		
24	2. On or about October 17, 2003, the Board issued Registered Nurse License		
25	Number 628174 to Johnny Ladon Wallis ("Respondent"). The registered nurse license will		
26	expire on August 31, 2009, unless renewed.		
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STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

REGULATORY PROVISION

6. California Code of Regulations, title 16, section 1442, states:

As used in section 2761 of the code, "gross negligence" includes an extreme departure from the standard of care which under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE 1 2 (Gross Negligence) Respondent's license is subject to discipline under Code section 2761, 8. 3 subdivision (a)(1), on the grounds of gross negligence, in that on or about March 25, 2005, while 4 on duty as a registered nurse at Sierra View District Hospital, Porterville, California, and caring 5 for Patient No. 2803 (a 79 year old female with a prior history of stroke), Respondent committed 6 acts constituting gross negligence, as defined in California Code of Regulations, section 1442. 7 Respondent failed to inform the patient's physician of the patient's increased cardiac enzymes 8 and continued chest pain. The patient subsequently died as a result of an acute myocardial 9 infarction. 10 SECOND CAUSE FOR DISCIPLINE 11 12 (Unprofessional Conduct) 9. 13 Respondent is subject to discipline under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as more particularly set forth in paragraph 8, 14 15 above. 16 **PRAYER** WHEREFORE, Complainant requests that a hearing be held on the matters herein 17 18 alleged, and that following the hearing, the Board of Registered Nursing issue a decision: 19 1. Revoking or suspending Registered Nurse License Number 628174, issued 20 to Johnny Ladon Wallis; 21 /// 22 /// 23 /// 24 /// 25 ///

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1	2. Ordering Johnny Ladon Wallis to pay the Board of Registered Nursing the	
2	reasonable costs of the investigation and enforcement of this case, pursuant to Code section	
3	125.3; and,	
4	3. Taking such other and further action as deemed necessary and proper.	
5	DATED: 6129 108	
6		
7	Rethe Don-To	
8	RUTH ANN TERRY, M.P.H., R.N. Executive Officer	
9	Board of Registered Nursing Department of Consumer Affairs State of California	
10	State of California Complainant	
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